IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11115 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL KASLABHAI KHETABHAI

Versus

THAKORE JAGAJI SAVSI

Appearance:

1. Special Civil Application No. 11115 of 2003

MR BN PATEL for Petitioner No. 1-4

MR HIMANSU M PADHYA for Respondent No. 1-5

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/10/2004

ORAL JUDGEMENT

1. RULE. Mr.Himanshu M Padhya waives service of rule on behalf of the respondents.

2. The petitioners herein have preferred this petition in order to quash and set aside the order dated 09/04/2003 passed by the ld. 2nd Jt.District & Addl. Sessions Judge, Banaskantha at Deesa, in Civil Misc.Appeal No.42 of 2002, at Annexure-C to the petition, and to restore the order dated 15/09/2000 passed by the ld. Civil Judge (S.D.), Deodar at Shihori, in Regular Civil Suit No.36 of 2000 below exh.5 application, at Annexure-A to the petition.

3. This Court while issuing Notice on 01/08/2003 had directed the parties to maintain status quo as on that day. Now, since the petitioners have been protected right from the inception of the suit, it would be appropriate to maintain the same position, till the suit is finally disposed of before the trial Court.

4. Hence, the parties are directed to maintain status quo till the suit is finally disposed of before the trial Court. It will be open for the petitioners to make an application before the trial Court for expediting the hearing of the suit. If such an application is made by the petitioners, the trial Court shall hear and dispose of the said suit within a period of three years from the date of receipt of writ of this order. With the above direction, the petition is disposed of. Rule is made absolute to the above extent.

(K. S. Jhaveri, J.)

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